

PTO/SB/21 (03-03)

Approved for use through 01/30/2003. OMB 0651-0031  
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TRANSMITTAL  
FORM

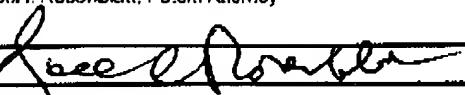
(to be used for all correspondence after initial filing)

TRANSMITTAL FORM  (to be used for all correspondence after initial filing)	Application Number	09/396,531	
	Filing Date	9/15/1999	
	First Named Inventor	Randall A. Addington	
	Art Unit	3711	
	Examiner Name	William M. Pierce	
Total Number of Pages in This Submission	7	Attorney Docket Number	99-1001

## ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Joel I. Rosenblatt, Patent Attorney
Signature	
Date	06/26/2003

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 06/26/2003

Typed or printed	Joel I. Rosenblatt	Date	06/26/2003
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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PTO-2038 (02-2003)

Approved for use through 02/28/2006. OMB 0651-0043

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## United States Patent &amp; Trademark Office

## Credit Card Payment Form

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## Credit Card Information

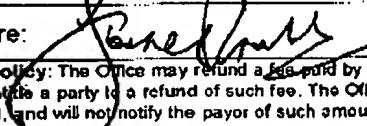
Credit Card Type:  Visa  MasterCard  American Express  Discover

Credit Card Account #: 3739 57848 41004

Credit Card Expiration Date: 09/03

Name as it Appears on Credit Card: Joel I. Rosenblatt

Payment Amount (\$US Dollars): \$130.00

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Refund Policy: The Office may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts (37 CFR 1.26). Refund of a fee paid by credit card will be via credit to the credit card account.

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Fax #: 321 727 8309

## Request and Payment Information

## Description of Request and Payment Information:

## Payment of Petition Fee

Patent Fee	Patent Maintenance Fee	Trademark Fee	Other Fee
Application No. 09/396,531	Application No.	Serial No.	IDON Customer No.
Patent No.	Patent No.	Registration No.	
Attorney Docket No. 99 1001		Identify or Describe Mark	

If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form, the United States Patent & Trademark Office will not be liable in the event that the credit card number becomes public knowledge.

PTO/SB/17 (05-03)

Approved for use through 04/30/2003. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130)

## Complete if Known

Application Number	09/396.531
Filing Date	9/15/1999
First Named Inventor	Randall A. Addington
Examiner Name	William M. Pierce
Art Unit	3711
Attorney Docket No.	99-1001

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account:

Deposit Account Number	
Deposit Account Name	

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments

Charge any additional fee(s) during the pendency of this application

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1) (\$)</b>			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =		
			-3** =		

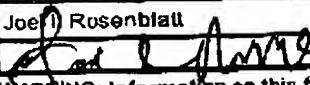
Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$)</b>		

\*\*or number previously paid, if greater. For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	130
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
-Reduced by Basic Filing Fee Paid			
<b>SUBTOTAL (3) (\$)</b>			130

(Complete if applicable)

SUBMITTED BY	Name (Print/Type)	Signature	Registration No. (Attorney/Agent)	Telephone
	Joel I. Rosenblatt		26025	321 727 7626
				Date 06/26/2003

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Application Number: 09/396,531

Group Art Unit: 3711

Filing Date: 9/15/99

Examiner Name: William Pierce

Inventors: Randall Addington et al.

Attorney Docket No.: 99-1001

Title: Bowler's Aid

Assistant Commissioner of Patents

Washington, D.C. 20231

By Facsimile: 703-872-9303

37 C. F. R. 1.181 Petition

I.

This Petition Is Timely Filed

1. This Petition is for relief from examiner's prejudice, denying to applicants, a fair and impartial examination. Its basis in fact is examiner's prejudice demonstrated at least in Office Action mailed 06/18/2003, a record document in this application.

II.

Return of Petition Fee

2. This Petition is made to correct a mistake, wholly by fault, of the U.S. Patent And Trademark Office and the return of the petition fee is requested.

III.

Facts

3. Examiner's Prejudice Towards Applicants and to Applicants' Attorney And Legal Representative Is Demonstrated By The Following Examiner Statements From The Office Action Mailed 06/18/2003, Denying Applicants A Fair And Impartial Examination, A Denial Of Equal Protection Under Law, And A Failure By The U.S. Patent And Trademark Office To Meet The Essential Requirements Of The Law.

A. Examiner's statements made in the Office Action mailed 6/18/2003 are repeated as follows.

- i) "... applicant has only presented careless changes containing errors . . ." (Page 2, line 3.)
- ii) "... Applicant . . . appears not to be familiar with the format of an Office action (sic) and how a grounds for rejection is (sic) presented." (Page 3, line 1 and 2.)
- iii) "An Office action (sic) does not use the explicit words as 'the fact are.' (sic) Instead language used to present facts are for example. The 'reference shows' or 'teaches.' (Page 3, lines 2 and 3.)
- iv) "Merely because applicant is inexperienced with how an office action (sic) is presented and/or (sic) he chooses to ignore how the facts are presented . . ." (Page 3, lines 4 and 5.)
- v) "... applicant blindly restates the MPEP." (See Page 3, line 17.)
- vi) "To applicant this may seem 'illogical' based on his abilities. However, his deficiencies to comprehend the basis for a rejection to not render it improper. (Page 3, lines 24 and 25.)
- vii) "Merely because applicant is not familiar with the MPEP, patent practice and/or chooses to ignore such does not render a rejection improper." (Page 4, lines 1 and 2.)
- viii) " When an examiner writes a rejection and he is assuming that he is dealing with a patent professional familiar with patent practice and prosecution, he may be brief with the consideration that the applicant would have the competence to understand, amend, and/or (sic) overcome the rejection. (Page 4, lines 4 to 6.)

ix) "Either in the present case, applicant is not a patent professional or he chooses to ignore the facts by taking the position that '(the rejection) fails to explain the facts, basis in law, or any other rational.'" ( Page 4, lines 6 to 8.)

x) "Further, arguments pertaining this false and misleading statement will not be further addressed . . ." (See Page 5, line15.)

xi) "All the facts are clearly stated such that a patent professional can easily determine how the prior art meets the limitations of the claimed invention." (See Page 5, lines 18 and 19.)

4. Applicants' attorney is registered to practice in the U.S. Patent Office, admitted to the Court of Appeals for The Federal Circuit, and to a number of state and federal district courts. Examiner has no knowledge of applicant's attorney's experience and abilities as a professional admitted to the practice of law. As directed to an attorney at law and a professional, examiner's statements, above, are well outside the scope of examiner's authority under any law, rule, or regulation, or under the examination standard of substantial evidence, as set forth In re. Zurko 358 F.3d1379, 1385 (Fed. Cir. 2001).

5. Directed to a registered patent attorney, these statements made by a representative of the U.S. Patent and Trademark Office, without any qualification of privilege, can serve no purpose in advancing the prosecution of this application, and can only be maliciously intended by examiner, with the purpose to intimidate, insult, defame, and cause injury to the attorney's professional reputation and to prevent applicants from receiving a fair and impartial examination.

6. The damage caused to the applicants and to applicants' attorney at law , is irreparable, and applicant's attorney can offer no means or method for a cure to the harm already caused by the U.S. Patent And Trademark Office through its actions.

7. The Board of Appeals remanded this case prior to its scheduled hearing and remanded a related case of applicants, 09/396,530, filed 09/15/1999 assigned to this examiner, after its scheduled hearing, each for corrections related to the examination. In the related case, 09/396,530, filed

09/15/1999, after remand and review of the record by the Director, Patent Examining Groups 3710 and 3720, examiner's actions were made subject to the directions of the Supervisory Primary Examiner to resolve all of the issue raised by the Board and applicant. (Application 09/396,530, filed 9/15/1999; Decision On Petition, Paper No. 25.)

8. It is not possible to determine the reach or extent of any possible prejudice against applicants related to this application and to the related application 09/396,530, filed 09/15/1999, as exists in Technical Center 3700.

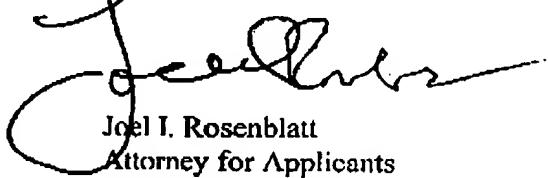
#### IV.

##### Relief Requested

9. First Requested Relief. To prevent any possibility of any continuing prejudice toward applicants or applicants' attorney, this application and related application 09/396,530, filed 09/15/1999 should be removed from any examination within, or related to, personnel in Group 3700.

10. Second Requested Relief. To prevent any injury to the professional reputation of Applicants' attorney from examiner's defamatory statements, this last Office Action dated 06/18/2003 should be removed and expunged and a new action prepared in its place, which conforms to Office practice and which is limited to matters within the allowed scope of examination.

Submitted



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